



Atty. Dkt. No. 018792-0177

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Fitzpatrick et al.  
Title: PREFERRED SEGMENTS OF NEURAL THREAD  
PROTEIN AND METHODS OF USING THE SAME  
Appl. No.: 09/697,590  
Filing Date: 10/27/2000  
Examiner: Sharon L. Turner  
Art Unit: 1647

#14  
893  
7/21/03  
**RECEIVED**  
MAY 18 2003  
TECH CENTER 1600/2800

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §1.56**

Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

**TIMING OF THE DISCLOSURE**

The listed documents are being submitted in compliance with 37 CFR §1.97(c), before the mailing date of either a final action under 37 CFR §1.113, a notice of allowance under 37 CFR §1.113, or an action that otherwise closes prosecution in the application.

**RELEVANCE OF EACH DOCUMENT**

Any document listed on the attached PTO/SB/08 was cited as being relevant during the prosecution of the corresponding International application. A copy of the International Search Report is attached setting forth the portion of each document considered relevant by the examiner. Copies of U.S. Patent No. 5,948,634, and the non-patent references of De La Monte and Fitzpatrick cited in the International Search Report were submitted with an Information Disclosure Statement filed May 29, 2001; therefore these references are not being submitted herewith.

Applicants respectfully request that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

**STATEMENT**

The undersigned hereby states in accordance with 37 CFR §1.97(e)(1) that each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to filing of this Statement and is being filed within thirty (30) days of receipt of the communication from the foreign patent

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date May 15, 2003

FOLEY & LARDNER  
Customer Number: 22428



22428

PATENT TRADEMARK OFFICE

Telephone: (202) 672-5407

Facsimile: (202) 672-5399

By Jayne A. Hulbalt  
Reg. No. 34,485  
Michele M. Simkin  
Attorney for Applicants  
Registration No. 34,717